

MAR - 9 1998

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Implementation of the Pay Telephone )  
Reclassification and Compensation Provisions )  
of the Telecommunications Act of 1996 )

CC Docket No. 96-128

To: Chief, Common Carrier Bureau

**EMERGENCY PETITION FOR WAIVER**

Franklin Telephone Company ("Franklin"), by counsel, and pursuant to Section 1.3 of the Rules of the Federal Communications Commission ("Commission"),<sup>1</sup> hereby seeks an emergency temporary waiver, until March 16, 1998, of the requirement that, by March 9, 1998, local exchange carriers ("LECs") provide payphone-specific coding digits ("Payphone Coding") in order to facilitate per-call compensation required to be paid by interexchange carriers ("IXCs") to payphone service providers ("PSPs").<sup>2</sup> As demonstrated herein, good cause exists for this waiver<sup>3</sup> because it is technically infeasible for Franklin to comply with the March 9,

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<sup>1</sup>/ 47 C.F.R. § 1.3 (1996).

<sup>2</sup>/See Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Report and Order, 11 FCC Rcd 20541 (1996) ("Payphone Order"); Order on Reconsideration, 11 FCC Rcd 21233 (1996) ("Payphone Reconsideration Order"); Order, CC Docket No. 96-128, DA 97-2162 (rel. October 7, 1997); Second Report and Order, CC Docket No. 96-128, FCC 97-371 (rel. October 9, 1997).

<sup>3</sup>/ "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WATT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

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1998, deadline for providing Payphone Coding to PSPs. Accordingly, Franklin requests a brief extension of time until March 16, 1998 to provide the Payphone Coding function. This limited waiver will enable Franklin to continue its planned deployment of software capable of providing the Payphone Coding function. In support thereof, Franklin shows the following:

Franklin is an incumbent Local Exchange Carrier headquartered in Meadville, Mississippi, and serves approximately 4,500 access lines in rural areas of Franklin, Claiborne, Wilkinson, Amite, Adams, Lincoln, and Copiah counties. Although it anticipated delivery and installation of the necessary software for Payphone Coding in order to comply with the March 9, 1998 date. Franklin learned late today that its switch manufacturer, Siemens Stromberg Carlson, will not be supplying the software necessary for Franklin to deploy Flex Automatic Numbering Information ("Flex ANI") to provide Payphone Coding until March 11 or March 12, 1998.<sup>4</sup> Once installed, Franklin anticipates full compliance by March 16, 1998. Accordingly, Franklin requests a brief extension of the March 9, 1998, deadline for providing Payphone Coding.<sup>5</sup> In light of these specific facts and circumstances, Franklin submits that good cause exists for this limited waiver of the March 9, 1998, deadline for providing to PSPs Payphone Coding. Franklin will make every reasonable effort to expedite the date of providing payphone-specific digits. Based upon reports from its manufacturer, however, Franklin anticipates that

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<sup>4/</sup> See Declaration of Wade H. Creekmore, Jr., President, of Franklin. The declaration bears a facsimile signature. The original declaration will be filed with the Commission upon receipt by counsel.

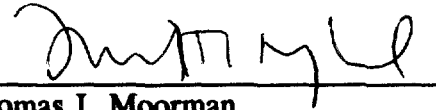
<sup>5/</sup> Franklin currently provides service to fifteen (15) payphones.

the extension to March 16, 1998, is necessary to ensure the deployment of the new software.

Respectfully submitted,

**Franklin Telephone Company**

By:

A handwritten signature in dark ink, appearing to read "Tom J. Moorman", written over a horizontal line.

Thomas J. Moorman  
Margaret Nyland

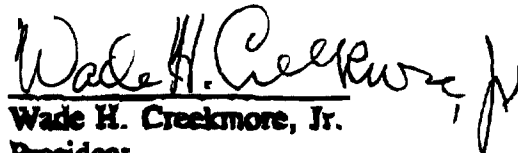
Its Attorneys

Kraskin, Lesse & Cosson, LLP  
2120 L Street, NW  
Suite 520  
Washington, DC 20037  
(202) 296-8890

March 9, 1998

**DECLARATION OF WADE H. CREEKMORE, JR.**

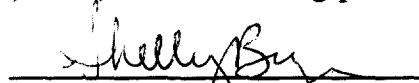
I, Wade H. Creekmore, Jr., President of Franklin Telephone Company, do hereby declare under penalties of perjury that I have read the foregoing "Emergency Petition for Waiver" and the information contained therein is true and accurate to the best of my knowledge, information, and belief.

  
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Wade H. Creekmore, Jr.  
President

Date: March 9, 1998

**Certificate of Service**

I, Shelley Bryce, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC, 20037, hereby certify that a copy of the foregoing "Emergency Petition for Waiver" was hand-delivered this 9th day of March, 1998, to the following parties:

  
Shelley Bryce

A. Richard Metzger, Chief  
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Federal Communications Commission  
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